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6 UNITED STATES BANKRUPTCY COURT
7 EASTERN DISTRICT OF WASHINGTON

8 In re:

9 ROBERT P. EDWARDS,

10 Debtor.
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)
) Case No. 10-05247-FLK11
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
)
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)

13 This matter having come before the above-entitled Court for confirmation, by telephone
14 conference Hearing on the 11th day of August, 2011, and the Court having read the declaration
15 of Robert P. Edwards, and having reviewed the Plan and having heard the arguments of
16 counsel, makes the following

17 FINDINGS OF FACT

18 I.

19 The Debtor filed the above-captioned Chapter 11 proceeding on the 10th day of
20 September, 2010. Debtor filed his Disclosure Statement and Plan of Reorganization on the
21 19th day of April, 2011. Notice of the Filing of Written Disclosure Statement was given to all
22 appropriate parties on the 19th day of April, 2011.

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25 FINDING OF FACT AND
CONCLUSIONS OF LAW - 1

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1 II.

2 The Order Approving the Disclosure Statement and setting confirmation hearing was
3 entered on the 9th day of June, 2011.

4 III.

5 Pursuant to the Order Approving Disclosure Statement the Debtor transmitted the
6 combined Disclosure Statement, Plan of Reorganization, List of Classifying Claims and
7 Interest and Ballot to all parties on the master mailing list on the 9th day of June, 2011.

8 IV.

9 There was one objection by Bank of America, Class 4 creditor, which objection is
10 resolved by Debtor agreeing to surrender the real property which is security for Bank of
11 America's claim. That property is Legally Described as: Lot 6, Block 715, PLAT OF
12 RICHLAND, according to the plat thereof recorded in Volume 6 and 7 of Plats, records of
13 Benton County, Washington Situated in the County of Benton, State of Washington. It is
14 commonly known as 718 Symons Street, Richland, Washington.

15 V.

16 The Plan contains no unusual classifications of claims or interest. Similar claims are
17 classified together and are treated equally within each class. The Plan provides for the same
18 treatment for each claim or interest within a particular class.

19 VI.

20 Debtor did not solicit acceptances or rejections of the Plan, except as authorized by the
21 Order.

22 VII.

23 The Plan has been proposed in good faith and not by any means forbidden by law.
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25 FINDING OF FACT AND
CONCLUSIONS OF LAW - 2

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VIII.

Debtor's attorney, William L. Hames will only be compensated subject to court approval after notice and hearing.

IX.

Debtor will continue to manage the affairs of DR Patrick, collecting money for the payment of creditors. The continuance in office of Debtor is consistent with the interests of creditors, equity security holders and public policy. The Liquidation Analysis and the declaration of Robert P. Edwards indicates creditors will receive a greater distribution under the plan than would be received if the assets of the Debtor were liquidated by a chapter 7 trustee or by any other means.

X.

Confirmation of the Plan is not likely to be followed by the need for further financial reorganization of Debtor.

XI.

The Plan provides for payment of the administrative claims upon the date of confirmation or upon allowance by the Court.

XII.

The Plan provides for payment of all US Trustee's fees, when due, through the closing of the case.

CONCLUSIONS OF LAW

I.

Debtor's Plan complies with the provisions of Chapter 11 and other applicable provisions of Title 28 USC.

FINDING OF FACT AND
CONCLUSIONS OF LAW - 3

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II.

The holder of each secured claim has accepted the Plan or will receive full payment of its secured claim and will retain its lien until such payment has been made.

III.

Provisions of the Plan at Article II, Paragraph 2.2.4, class 4, will be amended as follows:

The second paragraph will be deleted and the following shall be inserted: Upon confirmation, the Debtor will surrender the above described property. Upon confirmation creditor Bank of America may enforce its legal, equitable and contractual rights against the above described property under Washington State Law.

IV.

The Plan has been proposed in good faith and not by any means forbidden by law.

V.

The Plan of Reorganization should be confirmed.

Presented by:

HAMES, ANDERSON & WHITLOW, P.S.
Attorneys for Debtor


WILLIAM L. HAMES, WSBA #12193

ROUTH CRABTREE OLSEN, P.S.
Attorneys for Bank of America


MELISSA W. ROMEO, WSBA #40644

*Ordered this 11th day
of August, 2011
District Court Judge*

FINDING OF FACT AND
CONCLUSIONS OF LAW - 4

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